Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TETSURO MOTOYAMA and MASAICHI NIRO

Appeal No. 2002-2316
Application No. 09/408,443

HEARD: April 16, 2003

Before JERRY SMITH, LEVY, and BLANKENSHIP, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 16-35, which are all the claims remaining in the application.

We reverse.

BACKGROUND

The invention is directed to a method and system for processing communications between a device on a network and computers local to, and remote from, the network device. The communications include information obtained from sensors of the network device. Claim 16 is reproduced below.

16. A method of processing messages, comprising the steps of:

transmitting a message from a network device to a first computer which is remote from said network device, said message including information obtained from sensors of the network device;

receiving the message by the first computer;

determining, by the first computer, if a communication containing at least part of the message including at least some of the information obtained from sensors is to be transmitted from the first computer to a second computer which is local to said device;

transmitting the communication from the first computer to the second computer in response to the determination made by the first computer; and

receiving said communication by the second computer.

The examiner relies on the following references:

Tarr et al. (Tarr)	5,184,179	Feb. 2, 1993
Aikens et al. (Aikens)	5,414,494	May 9, 1995
Frantz	6,003,070	Dec. 14, 1999 (filed Feb. 25, 1997)

Claims 16 and 17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Aikens and Tarr.

Claims 18-35 stand rejected under 35 U.S.C. § 103 as being unpatentable over Aikens, Tarr, and Frantz.

We refer to the Final Rejection (Paper No. 15) and the Examiner's Answer (Paper No. 20) for a statement of the examiner's position and to the Brief (Paper No. 19) and the Reply Brief (Paper No. 21) for appellants' position with respect to the claims which stand rejected.

OPINION

In the rejection set forth at pages 4 and 5 of the Answer, the examiner contends, in essence, that Aikens discloses the first two steps required by instant claim 16. The rejection turns to Tarr for suggestion of that deemed to be missing from Aikens.

Appellants assert (Brief at 5-6) that nothing in Tarr would have suggested the details of the "determining" and "transmitting" steps of claim 16. The examiner responds (Answer at 8-9) that Tarr teaches that if a first, remote computer has not received a signal within a given period of time from second, local computers, then the first computer automatically transmits a message containing at least some information obtained from the sensors on the local network. Appellants respond in turn (Reply Brief at 1-3) that although Tarr discloses sending a signal from a remote computer to local network systems for triggering information to be sent to the remote computer, claim 16 requires more.

We have studied the references applied against instant claim 16, with particular emphasis on the sections of Tarr pointed out by the examiner where the alleged teachings are deemed to reside. We agree with appellants that no proper combination of the references would have suggested the claimed subject matter.

Tarr discloses several embodiments (e.g., Figs. 1-4) directed to local monitoring of diagnostic, maintenance, or billing information that may be sent to a remote computer. Information may be transmitted at predetermined times that are under local control (e.g., col. 5, ll. 14-22). A remote computer may also poll a local system for the required information, as when a local system has not transmitted its information at the predesignated time (e.g., col. 10, ll. 19-38).

Claim 16 requires, however, that the first, remote computer receives a message including information stored from sensors of a network device and determines if information obtained from the sensors is to be transmitted to the second, local computer. If indicated, a communication containing information from the local sensors is transmitted from the remote computer to the local computer. We find no suggestion in the references before us for the processing and transfer of information as required by the claim. We thus do not sustain the rejection of claim 16.

Claim 26, the only other independent claim on appeal, is in the form of a means plus function version of claim 16. Although Frantz is added to the combination of Aikens and Tarr in the rejection of claim 26, the Frantz reference is apparently relied upon for its teachings relating to electronic or Internet mail messages. Because Frantz

fails to remedy the deficiencies of Aikens and Tarr, we do not sustain the rejection of claim 26.

Because the relied-upon references fail to show prima facie obviousness of either of the independent claims on appeal, we do not sustain the section 103 rejections of claims 16-35.

CONCLUSION

The rejection of claims 16-35 under 35 U.S.C. § 103 is reversed.

REVERSED

JERRY SMITH Administrative Patent Judge	)
STUART S. LEVY Administrative Patent Judge	) BOARD OF PATENT) APPEALS) AND) INTERFERENCES
HOWARD B. BLANKENSHIP Administrative Patent Judge	)

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